

09-26-01

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September 24, 2001

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Attorney Docket No.: 11926-015002

Box Patent Application

Commissioner for Patents
Washington, DC 20231

Presented for filing is a new divisional patent application of:

Applicant: VINCENT P. STANTON, JR.

Title: THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES
HAVING UTILITY IN DETERMINING THE TREATMENT OF
DISEASE

The prior application is assigned of record to Variagenics, Inc., a Delaware corporation, by virtue of an assignment submitted to the Patent and Trademark Office and recorded on February 20, 2001 at 011536/0644.

Enclosed are the following papers, including those required to receive a filing date under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	176
Claims	2
Abstract	1
Declaration	2
Drawing(s)	2

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. E162427631545

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231. f

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

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Enclosures:

- Preliminary amendment, 21 pages.
- Nucleotide and/or amino acid sequence listing including:
 - Computer readable copy.
 - Paper copy, 28 pages.
 - Verification statement, 1 pages.
- Declaration Regarding Incorporation by Reference.
- Request for NonPublication.
- Postcard.

This application is a divisional (and claims the benefit of priority under 35 USC 120) of U.S. application serial no. 09/658,659, filed September 8, 2000, which is a CIP of Application serial No. 09/596,033, filed June 15, 2000, which is a CIP of U.S. Application 09/357,743, filed July 20, 1999, which is a CIP of U.S. Application Serial No. 09/357,024, filed July 19, 1999, which claims the benefit of Stanton, U.S. Provisional Application 60/093,484, filed July 20, 1998, which are all hereby incorporated by reference in their entireties including drawings and tables.

Basic filing fee	\$355
Total claims in excess of 20 times \$9	\$117
Independent claims in excess of 3 times \$40	\$120
Fee for multiple dependent claims	\$0
Total filing fee:	\$592

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (617) 542-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

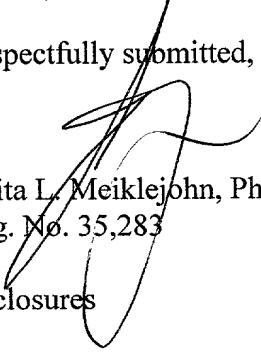
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Commissioner for Patents
September 24, 2001
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Please send all correspondence to:

ANITA L. MEIKLEJOHN, PH.D.
Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804

Respectfully submitted,


Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283

Enclosures

ALM/caa

20319128.doc

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

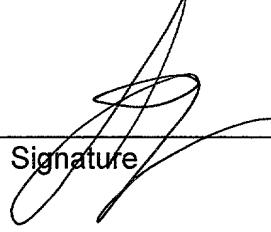
First Named Inventor		Vincent P. Stanton, Jr.
Title	THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES HAVING UTILITY IN DETERMINING THE TREATMENT OF DISEASE	
Atty Docket Number	11926-015002	

I hereby certify that the invention disclosed in the attached application **has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.** I hereby request that the attached application not be published under 35 U.S.C. 122(b).

24 Sept 2001

Date

Signature



Anita L. Meiklejohn, Ph.D.

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr.
Serial No. :
Filed : Herewith
Title : THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES HAVING
UTILITY IN DETERMINING THE TREATMENT OF DISEASE

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

VERIFIED STATEMENT UNDER 37 CFR §1.821(f)

I, Anita L. Meiklejohn, declare that I personally prepared the paper and the computer-readable copy of the Sequence Listing filed herewith for the above-identified application and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 24 Sept 2001

Anita L. Meiklejohn

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Lisa G. Gray